

S/N 10/631,025

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard Ticktin Examiner: Necholas Ogden  
Serial No.: 10/631,025 Group Art Unit: 1751  
Filed: July 29, 2003 Docket No.: 60215.0004USU1  
Title: Concentrated Liquid Compositions and Methods of Providing the Same

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CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on March 8, 2006.

By: 

Name: Cinda Howard

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT UNDER 37 CFR 1.181

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper response to an Office Action dated July 27, 2005, from the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY REQUESTS WITHDRAWAL OF ABANDONMENT AND  
RESTART OF PERIOD FOR THE FOLLOWING REASONS:

(1) Previous counsel withdrew as Attorney of Record and mailed notice to the USPTO via Express Mail on May 26, 2005. A copy of the filing and return postcard with mailing number is enclosed.

Application Serial No. 10/397,103  
Attorney Docket No. 60001.0365US01

(2) An Office Action dated July 27, 2005 was mailed directly to previous counsel at 1900 University Avenue, Suite 200, East Palo Alto, CA 94303 two months after previous counsel withdrew. A copy of the Office Action mailing cover sheet is enclosed.

(3) Applicant engaged the our law firm as substitute counsel and a "Change of Address and Revocation an Power of Attorney" was filed by our office on December 14, 2005.

(4) The undersigned received a telephone call from Examiner Ogden on January 27, 2006 indicating that a response to the Office Action dated July 27, 2005 had not been received and that the application had been abandoned for failure to prosecute. The Office Action had been addressed and mailed to an incorrect address.

(5) Notification of the above-identified Office Action was not forwarded to Applicant or current counsel by previous counsel. Applicant respectfully submits that the present application is not abandoned based on Failure To Receive the Office Action dated July 27, 2005. (MPEP 711.03(c)) Applicant did not know that a response was due. Upon notification of abandonment by Examiner Ogden, Applicant exercised diligencce in preparing response and petitioning to withdraw holding of abandonment. Therefore, Applicant respectfully requests that this PETITION TO WITHDRAW HOLDING OF ABANDONMENT be considered under 37 C.F.R §1.181(a).

Should petition to withdraw holding of abandonment under 37 C.F.R. §1.181(a) be found inappropriate, Applicant respectfully requests that this PETITION TO WITHDRAW HOLDING OF ABANDONMENT be considered under 37 C.F.R. §1.137 as a PETITION TO REVIVE. At the very least, failure to respond was unavoidable or unintentional. Please charge appropriate small cntity fee under 37 C.F.R. §1.17 (1 or m).

Application Serial No. 10/397,103  
Attorney Docket No. 60001.0365US01


Pursuant to the foregoing, Applicant respectfully requests withdrawal of the holding of abandonment.

Further to this Request, the Reply to the above-noted Office Action is enclosed herewith.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD

Date: March 8, 2006

  
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